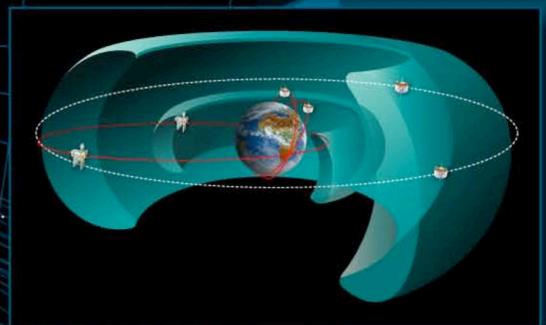
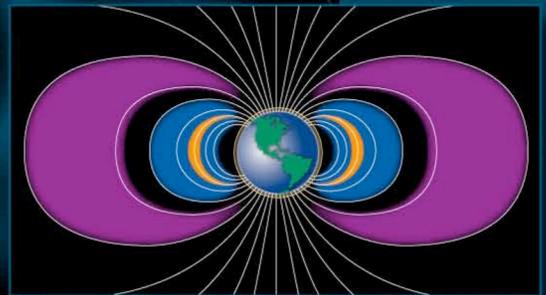
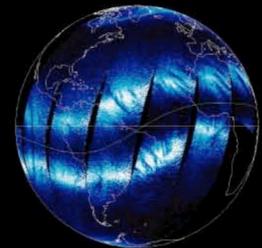


Export Control

Announcement of Opportunity for the
Radiation Belt Storm Probes
and Geospace-Related Missions of Opportunity

John Hall

Director, Export Control Division



The NASA Export Control Program

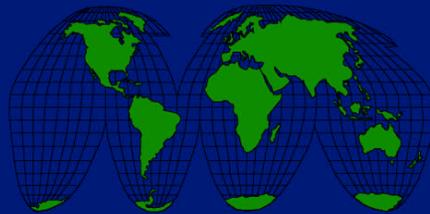
John F. Hall, Jr.

Director

Export Control & Interagency Liaison Division

Office of External Relations

NASA Headquarters



Export Control and Civil Space

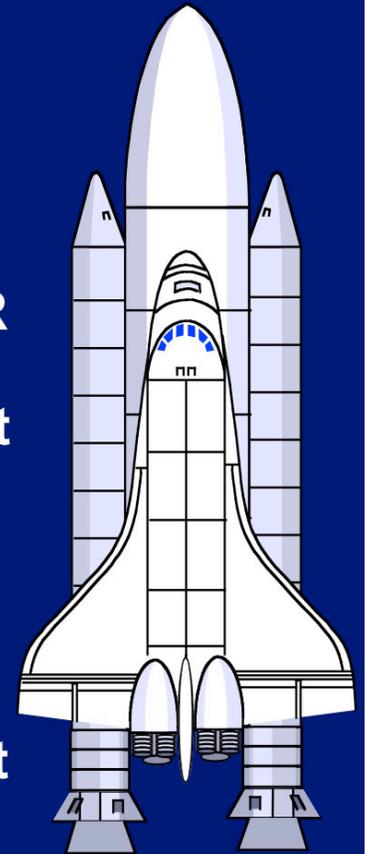
– *Not An Oxymoron!*

- **Both the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR) apply to our international activities**
- **Controls exist on assistance, training, technology (technical data and software), and hardware**



Main Reasons Certain Exports are “Controlled” by U.S. Law; and the Laws that Control Them

- ❑ National Security (NS)
- ❑ Foreign Policy (FP)
- ❑ Proliferation (MT, NP, CB)
- ❑ **International Traffic in Arms Regulations (ITAR)** (22 CFR 120-130)– promulgated under the Arms Export Control Act of 1976, 22 U.S.C. §§ 2778 et seq.; control the export of goods and technical data on the United States Munitions List (USML). USML items are mainly “military” in nature
- ❑ **Export Administration Regulations (EAR)** (15 CFR 732-774) – promulgated under the Export Administration Act of 1979, 50 U.S.C. app. §§ 2401 et seq.; control the export of goods and technical data on the Commerce Control List (CCL). Items on the CCL are typically referred to as “dual-use” items



Just What is An Export?

- The transfer of anything to a “FOREIGN PERSON” or a foreign destination by any means, anywhere, anytime, or a transfer to a “U.S. PERSON” with knowledge that the item will be further transferred to a “FOREIGN PERSON”
- Therefore, it’s all of the following and more:
 - Placing information on the World-Wide-Web, making data available through ftp sites, etc.
 - Placing information in the Public Domain
 - Verbal discussions w/foreign nationals or presentations to groups that include foreign nationals
 - Hand-carrying items outside the U.S.
 - Traditional “Shipments” of items thru Center transportation offices outside the U.S.
 - Mailing, faxing, e-mailing items outside the U.S. or to foreign nationals within the U.S.
 - etc., etc.

Public Domain v. Export Controlled Information

- Not all “exports” are controlled
- Information in the *Public Domain* is “uncontrolled” and is eligible for unrestricted dissemination
- Information subject to *Export Control* is restricted for dissemination
 - May require a license, or
 - May be eligible for a license exception or exemption

Export Control Definitions

- **What is Export-Controlled Technical Data?**
 - information which is required for the **design, development, production, manufacture**, assembly, operation, repair, testing, maintenance, or modification of “**defense articles**”
 - **classified** information related to “**defense articles**”
 - information covered by an invention secrecy order
 - software directly related to “**defense articles**”.

22 CFR § 120.10

Export Control Definitions



- **Controlled Technical Data (cont'd) -**
 - **does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the “public domain”.**
 - **does not include basic marketing information on function or purpose or general system descriptions of “Defense Articles”.**

- . . . such information is in the public domain and not subject to export control**

From the mouths of babes . . .

*John Hall says that
“Export Control is like
a Day at the Beach”*

*A day at the beach
just after a tanker spill,
maybe.*



Here's an important principle:

Export Control Violations are Federal Crimes

□ Protect Yourself: The Export Laws and Regulations Have Teeth and Can “Bite”

- **ITAR Criminal and Civil Penalties**
 - Fine of up to \$1 million per violation
 - Imprisonment - 10 years per violation
- **EAR Criminal and Civil Penalties**
 - Fine of \$100,000+
 - Imprisonment for up to 10 years



- **That's one reason why we need to be concerned about the export practices of the Agency and its employees**

Why NASA – and YOU – Must be Concerned About Export Practices

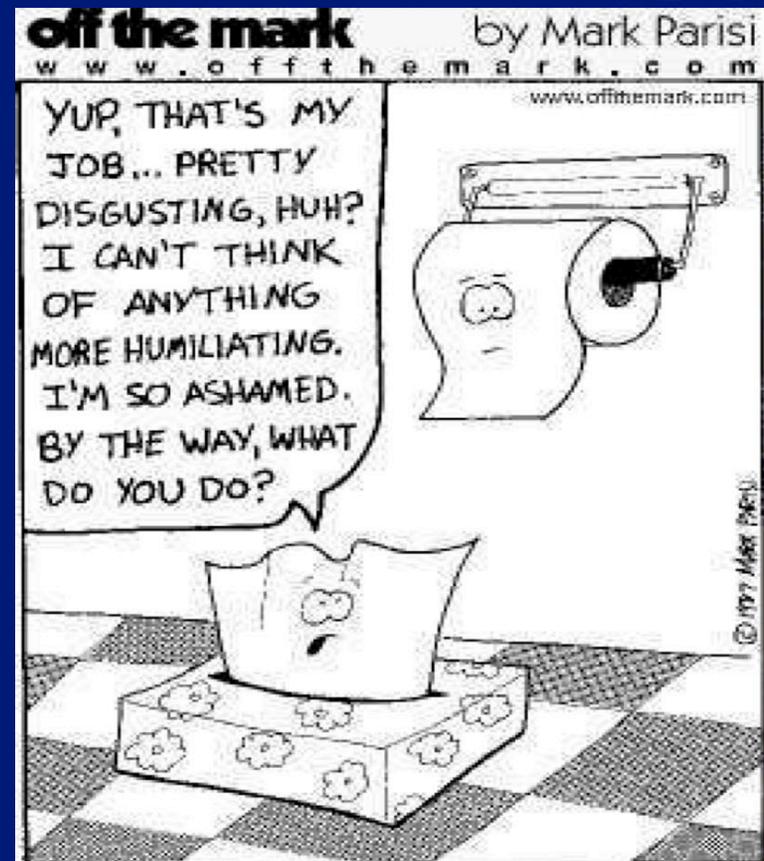
- Exporting is a “privilege”, *not a “right”*
- Exporting privileges can be revoked, precluding our ability to conduct international activities
- NASA holds significant expertise in space launch vehicle, satellites and other advanced/controlled technologies that others would love to have
- And don't forget, export control violations can -- and do -- lead to criminal prosecution

The NASA Export Control Program

- Originally published in November 1995 (revised as NPD 2190.1; NPR 2190.1) - Includes an **Export Processing Template** – *Roadmap to Compliance*
- Centralized Export Control policy & compliance in single office at NASA Headquarters; Assigns export responsibilities and standardizes Agency procedures
- Export Administrators and Counsel named at each Center - resident “experts” on export laws & regulations

Bottom Line

- Every NASA employee and every NASA contractor has a responsibility to observe U.S. export laws and regulations, to comply with NASA's Export Control Program, and to be a "responsible" exporter



Life of an Export Control Official

Summary: Where Can I Get Help?

✓ Call Your Center Export Officials:

<http://www.hq.nasa.gov/office/oer/nasaecp>



✓ Call us:

- Ken Hodgdon or John Hall: 202-358-0330